

## UNITED STATES DISTRICT COURT

Southern District of California

WELLTEC MACHINERY USA, INC., et al

**BILL OF COSTS**

V.

Case Number: 08 CV 0877 BEN LSP

TAYLOR'S INDUSTRIAL SERVICES, LLC, et al.

Judgment having been entered in the above entitled action on 09/04/08 against PLAINTIFF,  
 the Clerk is requested to tax the following as costs:

Date	PLAINTIFF
Fees of the Clerk .....	\$ 350.00
Fees for service of summons and subpoena .....	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case .....	_____
Fees and disbursements for printing .....	49.65
Fees for witnesses (itemize on reverse side) .....	_____
Fees for exemplification and copies of papers necessarily obtained for use in the case .....	_____
Docket fees under 28 U.S.C. 1923 .....	_____
Costs as shown on Mandate of Court of Appeals .....	_____
Compensation of court-appointed experts .....	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	_____
Other costs (please itemize) .....	_____
TOTAL	\$ 399.65

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

**DECLARATION**

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Served via Electronic Mail Notice.

Signature of Attorney: /s/ Edward J. McIntyre

Name of Attorney: Edward J. McIntyre [SBN 80402], SOLOMON WARD SEIDENWURM &amp; SMITH LLP

For: Defendant, WELLTEC MACHINERY USA, INC.

Date: 09/10/08

Name of Claiming Party

Please take notice that I will appear before the clerk who will tax said costs on \_\_\_\_\_ at \_\_\_\_\_

Costs are taxed in the amount of \_\_\_\_\_ and included in the judgment.

By:

Deputy Clerk

Clerk of Court

Date

## **NOTICE**

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

**“Sec. 1924. Verification of bill of costs.”**

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

**The Federal Rules of Civil Procedure contain the following provisions:**

**Rule 54 (d)**

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

**Rule 6(e)**

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

### **Rule 58 (In Part)**

"Entry of the judgment shall not be delayed for the taxing of costs."

**U.S. DISTRICT COURT**  
**Southern District of California**  
**Case No. 08 CV 0877 BEN LSP**  
**Hon. Roger T. Benitez**

**ITEMIZATION OF COSTS NECESSARILY INCURRED BY DEFENDANT**

**Fees of the Clerk:**

Defendant's Notice of Removal (Filed 5/16/08)	\$350.00
<b>Total Fees of the Clerk:</b>	<b>\$350.00</b>

**Fees and Disbursements for Printing:**

5/16/08 Federal Civil Cover Sheet	3 pgs @ \$.15	\$0.45
5/16/08 Notice of Removal of Action to Federal Court and supporting exhibits	210 pgs @ \$.15	\$31.50
5/23/08 Motion to Dismiss and supporting documents	72 pgs @ \$.15	\$10.80
5/27/08 Notice of Party with Financial Interest	8 pgs @ \$.15	\$1.20
6/02/08 Demand for Jury Trial	6 pgs @ \$.15	\$0.90
6/23/08 Reply in Support of Motion to Dismiss and supporting documents	22 pgs @ \$.15	\$3.30
6/23/08 Objections to Evidence Submitted in Plaintiffs' Opposition to Motion to Dismiss	10 pgs @ \$.15	\$1.50
<b>Total Fees &amp; Disbursements for Printing:</b>		<b>\$49.65</b>

<b>TOTAL COSTS INCURRED BY DEFENDANT</b>	<b>\$399.65</b>
--	-----------------

## **EXHIBIT A**

INVOICE #	307252	INVOICE DATE	05/28/08	KNOX FILE #	K 0408950-01
BILLED TO:	Acct #: 02221 ORDERING FIRM:  EDWARD MCINTYRE, ESQ. (SBN206984) SOLOMON, WARD, SEIDENWURM & SMITH 401 "B" STREET, SUITE 1200 SAN DIEGO CA 92101 Attention : DEB Atty File#: 65052.002 Phone : 619-231-0303				SAME  OK D
<b>DESCRIPTION OF SERVICES</b>					
FILING	: NOTICE OF REMOVAL Filing completed on 05/16/08 at 02:35 PM (JWB)				
<b>COURT INFORMATION</b>			<b>DESCRIPTION OF CHARGES</b>		
COURT	: UNITED STATES DISTRICT COURT, SO. DISTRICT OF SAN DIEGO, CA 92189		Priority Filing	JWB	15.75
CASE #	:		Fees Advanced	#0518	350.00
CASE NAME	: WELLTER TAYLORS		INVOICE TOTAL --> \$ 365.75		
			BALANCE DUE --> \$ 365.75		

**Thank you for allowing us to serve your needs.**

Please remit payment along with the attached remittance stub, or a copy of this invoice. Net due upon receipt. IRS # 95-3057541  
 ALL ACCOUNTS OVER THIRTY DAYS PAST DUE ARE SUBJECT TO A CARRYING CHARGE OF 1.5% OR \$5.00 MINIMUM PER MONTH.  
 ACCEPTANCE OF WORK PRODUCT CONSTITUTES ACCEPTANCE OF TERMS. SHOULD DEFAULT BE MADE IN PAYMENT HEREOF, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE. SHOULD LEGAL ACTION BE NECESSARY TO ENFORCE COLLECTION THEREOF, THE PURCHASER SHALL PAY SUCH SUM AS THE COURT MAY AFFIX AS REASONABLE ATTORNEY'S FEES AND COSTS.

**CERTIFICATE OF SERVICE**

On September 10, 2008, I caused DEFENDANT'S BILL OF COSTS to be served in the following manner:

**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case:

Gabriel G. Hedrick, Esq.  
Handal & Associates  
1200 Third Avenue, Suite 1321  
San Diego, CA 92101  
ghedrick@handal-law.com  
Telephone: (619) 544-6400  
Facsimile: (619) 696-0323

**Manual Notice List**

The following is the list of attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

Manual Notice List

The following is the list of attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

None.

*/s/ Edward J. McIntyre*  
EDWARD J. MCINTYRE